

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

v.

File No. 1:13-CR-109

AHMED SHERIF GREEN,

Defendant.

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Sentencing

Before

THE HONORABLE ROBERT HOLMES BELL  
United States District Judge  
January 16, 2014

APPEARANCES

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U.S. District Court Reporter

Grand Rapids, Michigan

January 16, 2014

9:05 a.m.

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P R O C E E D I N G S

THE COURT: You may be seated. Good morning.

The first matter of the morning is the matter of United States v. Ahmed Sherif Green. This is the Court's file number 13-CR-109, Mr. Courtade representing the United States Attorney's Office, Mr. Karafa by court appointment representing Mr. Green.

Mr. Green was here before this Court on September 6th and entered guilty pleas to Count 1, conspiracy to distribute one kilogram or more of a mixture containing a detectable amount of heroin; Count 3, possession with intent to distribute a hundred grams or more of a mixture or substance containing an amount of heroin; and Counts 4 and 5, possession -- felon in possession of firearm, being namely two firearms. A plea agreement was tendered at the time the plea was taken and that plea agreement obviously has been accepted, the Court finding that the charges adequately reflect, and the plea entered, the total offense behavior in this matter.

A presentence report was prepared by Ms. Mosley in

1 this matter. Counsel have had an opportunity to review the  
2 same. It is some 21 pages in length. Are there any  
3 objections, additions or corrections at this time, Mr.  
4 Courtade?

5 MR. COURTADE: No, Your Honor, but I do want to  
6 clarify something in case it wasn't clear, and that has to do  
7 with Paragraphs 23, 24, and 25 of the report. In there the  
8 probation agent indicates Mr. Wells, the Detroit drug dealer,  
9 was arrested through the cooperation of a confidential  
10 source. The Court should be aware that that confidential  
11 source was in fact defendant Ahmed Green. So I don't know  
12 that we need to amend the report, just so the Court is aware  
13 that what happened was Ahmed was arrested, he cooperated, the  
14 source was arrested, and then as the Court's well aware, Ahmed  
15 Green went back to selling heroin and that resulted in him  
16 being charged with everything.

17 THE COURT: When you got the presentence report, why  
18 didn't you ask her to correct that?

19 MR. COURTADE: Because it was clear to me and I  
20 quickly read it and I thought to myself, Well, that's  
21 accurate. But then as I sat there reading it last night, I  
22 thought, Well, I wonder if the Court is aware that that  
23 confidential source, by saying it that way, we were actually  
24 referring to Ahmed Green.

25 THE COURT: Usually not.

1 MR. COURTADE: So I wanted to let you know that at  
2 this point.

3 THE COURT: Okay. Okay. And I presume you're  
4 amening what he just said?

5 MR. KARAFa: That's correct, Your Honor.

6 THE COURT: Okay. Anything else?

7 MR. COURTADE: No, Your Honor.

8 THE COURT: Okay. You may proceed with your  
9 objections.

10 MR. KARAFa: Your Honor, thank you.

11 Your Honor, I consulted with my client with regard  
12 to the Presentence Investigation Report. We had a few  
13 corrections and some objections, most of which were resolved  
14 through meetings with the probation officer. We have one  
15 remaining objection to Paragraph 46 of the Presentence  
16 Investigation Report proposing an enhancement on a proposition  
17 that Mr. Green was an organizer, leader, manager or supervisor  
18 for a two-level enhancement.

19 THE COURT: It really wasn't proposed. It was put  
20 in the presentence report, wasn't it?

21 MR. KARAFa: Pardon me?

22 THE COURT: It wasn't proposed. It was put in this  
23 report.

24 MR. KARAFa: Yes. Well, we respectfully disagree  
25 with the probation officer's interpretation of the guideline

1 on these facts set forth in the presentence report. And we  
2 presented -- I have presented my written objection and the  
3 basis for it and the guidelines computations as they come out  
4 should the two-level enhancement be sustained or our objection  
5 be sustained, and it's essentially a two-point swing under the  
6 guidelines.

7 THE COURT: You just said based on statements Ms.  
8 Toliver made to law enforcement officers. I haven't seen the  
9 statements. I'm not aware of them. Do you have them?

10 MR. KARAFA: Well, they're referenced -- the  
11 presentence report in Paragraph 46 makes reference to Ms.  
12 Toliver's residence at 505 Lydia and her operation of the  
13 stash house at that location.

14 THE COURT: Then your real objection is that looking  
15 at the presentence report on its bare face does not evidence  
16 the management of this Ms. Toliver.

17 MR. KARAFA: Yes.

18 THE COURT: That's your real argument?

19 MR. KARAFA: That's correct, Your Honor.

20 THE COURT: Okay. Anything else on that?

21 MR. KARAFA: Nothing further on that point, Your  
22 Honor.

23 THE COURT: Okay. Response?

24 MR. COURTADE: Your Honor, I would clarify something  
25 defense counsel said. While there is a two-point adjustment

1 in the guideline when computed without the career offender  
2 application, there's really only a one-point overall  
3 difference we're talking about. It would reduce the  
4 defendant's total offense level from 35 to 34. It's not two  
5 points, and the reason for that is the application of the  
6 career offender guideline.

7 Now, as to the substance of his objection, whether  
8 or not the government can show that the defendant managed this  
9 other woman, these are the facts as I understand them. The  
10 defendant was arrested and he said, I keep all my drugs at a  
11 house I own on Lydia Street. There's a woman living there.  
12 She watches my drugs and sells some of the heroin.

13 The police went and talked to the woman. She said,  
14 Yes, he stores his drugs here and I sell some of the heroin.  
15 The defendant says his position is, Well, she's not selling  
16 the heroin for me. She's buying it from me and selling it on  
17 her own. So do I want the heroin sold? Yes, because I'm  
18 selling to her, but I'm not controlling her. The only thing  
19 she's doing is living in the house to maintain it looking like  
20 a house and I store my drugs there. Does that fit the  
21 technical definition of supervision? I guess the answer is it  
22 could, but it's like a weak case. I don't advocate for that  
23 finding, although the Court certainly could sustain the  
24 finding.

25 And the reason we don't have more information is

1 because the police were not investigating or they ceased their  
2 investigation of Paris -- of Ahmed Green at that time. They  
3 were more interested in his cooperation, so they never  
4 followed up on that whole angle of was he controlling this  
5 woman. In fact, they were going to let him go scot-free and  
6 not face any charges at all. So they ceased their  
7 investigation, and only when months later he was selling  
8 heroin again did they say, We're going to throw the book at  
9 you, or rather did I say, We're going to throw the book at  
10 you.

11 THE COURT: Well, let's cut to the chase here.  
12 You're not objecting, then?

13 MR. COURTADE: I'm not objecting, Your Honor. It  
14 would be a one-point difference, though, not a two-point  
15 difference.

16 THE COURT: Tell me why it would be a one-point.

17 MR. COURTADE: As the probation officer correctly  
18 points out in her response to the objection, the defendant's  
19 guidelines based on the quantity and everything that he did  
20 were so high that they were actually higher than his guideline  
21 level would have been with the career offender enhancement.  
22 So therefore, you go with the highest possible manner, and it  
23 was one point higher than the career offender guideline.

24 If you subtract two points from that application of  
25 guidelines, it puts him one point lower than the career

1 offender guideline, in which case the career offender  
2 guideline says career offender still counts, and therefore, he  
3 would be a level 34, not a level 33, and the probation agent  
4 correctly points that out. The ultimate computation would  
5 result in a guideline range, 34-VI, 262 to 327 months, and she  
6 is absolutely correct in that.

7 THE COURT: So Paragraph 48 is what?

8 MR. COURTADE: Let me go back to 48. Paragraph 48  
9 would drop to 36, Your Honor, which you would then subtract  
10 three points from and you would end up at 33. But the  
11 defendant's criminal history as a career offender says you  
12 start out at a 37, subtract three, you are at a 34.  
13 Therefore, 34 is the final guideline range, not 33, because  
14 the career offender guideline is higher now.

15 THE COURT: So you and Mr. Karafa are of the  
16 position that the answer to Paragraph 48 is a 34-point total  
17 with a criminal history level VI. Is that where your position  
18 is?

19 MR. KARAFa: That's correct, Your Honor. Our  
20 position --

21 THE COURT: This is crazy, gentlemen. This is  
22 crazy. We've got some students watching this too. This is  
23 crazy.

24 MR. COURTADE: Your Honor, 48, the answer is 36.  
25 But then you have to go to 49, and 49 says career offender



1 says he's a 37. So he's a 37, and then you minus your three  
2 for acceptance, he's a 34 overall, and that's what you end up  
3 with at 52. So the answer to 52 is 34.

4 THE COURT: Thirty-four. All right. Are we agreed,  
5 Mr. Karafa? Any further objections?

6 MR. KARAFA: Yes, that the career offender takes the  
7 highest between the career offender guideline and the  
8 otherwise applicable guideline, and we propose that the higher  
9 guideline by our interpretation is the career offender  
10 guideline, 37 minus three, 34, and category VI. That's  
11 correct, Your Honor.

12 THE COURT: Anything else you wish to place before  
13 the Court in this matter?

14 MR. KARAFA: No, thank you, Your Honor.

15 THE COURT: Okay. I have the guideline then at a 34  
16 and seven (sic) at 262-327. Is that right?

17 MR. COURTADE: That's correct, Your Honor.

18 MR. KARAFA: Yes, Your Honor.

19 THE COURT: Very well. You have, I believe, a  
20 motion for a variance. Do you wish to take that up with your  
21 allocution?

22 MR. KARAFA: Yes, Your Honor.

23 THE COURT: Very well. You and your client may come  
24 to the podium.

25 MR. KARAFA: Your Honor, thank you. May it please

1 the Court. We have submitted our sentencing memorandum and  
2 attached exhibits from a number of family members and  
3 neighbors regarding Mr. Green. Mr. Green stands humbly before  
4 the Court for numerous reasons, one of which is his past  
5 record which he has acknowledged.

6 I would emphasize, as I have done somewhat briefly  
7 in my written presentation to the Court, that as Mr. Green  
8 appears, he's a fairly large man, six-six and nearly 400  
9 pounds. The constant thread throughout his history, it  
10 appears through the presentence report prepared by Ms. Mosley  
11 and certainly throughout the letters that have been submitted  
12 to this Court, are that one theme is that Mr. Green has  
13 historically been a nonviolent, peaceful man, and he's been  
14 compliant throughout his jail term of 239 days up to this  
15 point in time for which we'd certainly request that he receive  
16 credit.

17 He's a bit of an enigma to the extent that this is  
18 not a gentleman who appears before this honorable Court at age  
19 41 with a history of drug convictions in his past that has  
20 been a participant or addicted to the drugs. He has been  
21 apparently throughout the course of his adult life free of  
22 those kinds of addictions, whether it's alcohol or other  
23 substances.

24 The theme that comes across through many of the  
25 letters that have been presented to the Court is that he's a

1 fairly lovable person within his family. He has spent a  
2 considerable amount of time in prison. When he's been out of  
3 prison he has apparently been one to counsel others, his  
4 nieces and nephews, and even a neighbor, a young man, to do  
5 well in school, to help your mother around the house, and to  
6 pursue responsible objectives. I think Mr. Green has  
7 throughout his life not practiced what he has preached, and in  
8 talking with him I would submit that perhaps he has not  
9 perceived that those things that he's preached to other  
10 people, to young people in his family, many of whom are here  
11 today, that Mr. Green does not perceive that those things,  
12 those productive goals that he's preached to others are an  
13 option for him throughout his life.

14 He obviously comes from a very dysfunctional  
15 background when he was young. His father was absent. His  
16 mother was addicted herself. He went through -- dropped out  
17 of the eleventh grade, and he spent considerable time in  
18 prison from that point forward in the state prison system.

19 He's had two children more recently. They're very  
20 young, five months old and two years old now. His fiancée is  
21 in court today. They have a five-month-old child, and between  
22 his age of 41 years and the fact that he's now a father, he  
23 has a new perspective on life or at least he's pursuing a new  
24 perspective. He is admittedly one who has been driven by  
25 materialistic things in the past, making a buck in a way that

1 he thought was his only option. That was misguided and he  
2 recognizes that now.

3 He's pursued a spiritual approach while in jail.  
4 He's done now what he has not done much in the past. He's  
5 pursued a course of reading, spiritual guidance. We've  
6 attached the certificates that demonstrate that Mr. Green has  
7 been pursuing a deeper spirituality than he has practiced in  
8 the past, and he has the support of his family members who are  
9 here.

10 He faces obviously a minimum mandatory 15 years in  
11 prison with guidelines that have him at the advisory range of  
12 21.8 to 27 years, so he recognizes that at age 41 he's facing  
13 a great deal of the rest of his life in prison. But he does  
14 seem to have nonetheless a sense of optimism about getting out  
15 as soon as he can and proving that the rest of his life will  
16 be responsible and productive, re-establishing his family  
17 relationships, and he requests the Court's consideration of  
18 some reasonable adjustment below the advisory guidelines for  
19 those reasons.

20 THE COURT: Thank you. Thank you.

21 Mr. Green, is there anything you would wish to say?

22 DEFENDANT GREEN: Yes, sir. I have -- I had wrote  
23 you a letter, a seven-page letter that obviously didn't get  
24 here. But I want to say that I knew selling heroin and crack,  
25 marijuana, what it do to people. When I first started selling

1 drugs at 17 I never thought about what it did to people. At  
2 40 when I was selling drugs I didn't -- I knew what it did,  
3 but I didn't care. I don't do drugs, period, and I don't  
4 condone 'em for young people. I never sold drugs to a young  
5 person in my life.

6 I did 17 years in prison. Every time I got out, I  
7 got a job. I'd lose the job some kind of way, get laid off or  
8 whatever. Only thing I ever knew since I was 17 was attempt  
9 to sell drugs, and I sold drugs. I can say I'm proud of  
10 myself I never used drugs; I never smoked cigarettes; I don't  
11 have tattoos, earrings; never been in a gang. I finally had a  
12 child when I was like 40, 39. Best thing that ever happened  
13 to me. Now I got two sons. They won't be here. You will  
14 never see them. Nobody -- they won't.

15 Your Honor, I never had nothing to stand on ever. I  
16 never had something to stand on. I had family, but I grew up  
17 in prison. They don't know how to help me. I don't know how  
18 to go to them for help. I was looking all the wrong places.

19 Paris Wells, good, dear friend. I feel bad. I wish  
20 I could do his time. This evidence that they got, he probably  
21 get a lot of time that he shouldn't get 'cause the way how  
22 they -- how this all happened, it was crazy, but it was three  
23 people. I set up over seven to ten people. The only reason  
24 that I started selling back drugs again was because I had to  
25 try to treat these people -- like I told them, my house got

1 vandalized, our cars got vandalized. I had to try to make  
2 this -- I called, the police came. They called the feds and  
3 told them what happened 'cause I told them that I was working  
4 for the feds.

5 People I'm trying to portray and I told the feds I'm  
6 trying to portray that I'm not working with you all because  
7 you all will get me killed. They was like -- they tried to  
8 put me in protective custody. I'm already a scum for setting  
9 up people. I can't leave my family -- I couldn't leave my  
10 family out there, so I talked to the feds. I called them  
11 every day, this and that. I don't know what to do. They  
12 said, Don't worry about it. They had me still setting people  
13 up doing ten people. I had -- they was gonna let me go, so  
14 they say. I don't really believe it because they -- every  
15 time I try to hurry and get it over with, they wouldn't let  
16 me.

17 THE COURT: So you're kind of a victim of the  
18 police?

19 DEFENDANT GREEN: No, I'm not. I'm not a victim.

20 THE COURT: That's what you're saying.

21 DEFENDANT GREEN: I'm a victim. I did it to myself.  
22 I victimized my family.

23 But I just want to say one thing. I want to  
24 apologize to my fiancée and my nephew, people from Grand  
25 Rapids. These children, please don't -- leave drugs alone.

1 It's not worth it.

2 THE COURT: Excuse me.

3 DEFENDANT GREEN: It's not worth it. I want to --  
4 every person, I could just tell them one thing. If you can't  
5 go to nobody else, you just got to call God. That's the  
6 only -- Jesus is the only way I can stand up here without  
7 passing out.

8 I never had just the foundation that I believe that  
9 I have now. I'm gonna stick to it. It don't matter how much  
10 time I get. I'm not gonna run away from it. That's what I'm  
11 leaning on. I never leaned on it before. I tried everything  
12 else. This is the only thing I ain't tried, Your Honor.

13 I want to one day, one day walk out of prison, tell  
14 my sons all about this, tell them about my experiences, try to  
15 stop other kids and other people from having to deal with this  
16 because it's only two things you gonna get, this and death.  
17 And I was fortunate enough, blessed by God to be alive to  
18 hopefully stop one person, show them my record, like, Man,  
19 look at this. You can't do it. You got to try -- you got to  
20 try something else. I didn't have nobody to do that for me  
21 and I'm gonna do it for somebody else no matter how much time  
22 I get.

23 But I pray that you just try to find in your heart  
24 to at least give me a chance before I die to be able to see my  
25 sons. And with that I'll close, Your Honor.

1           THE COURT: Have you had a chance to read the  
2 presentence report in this matter?

3           DEFENDANT GREEN: Yes, sir.

4           THE COURT: Does that representence report  
5 accurately describe you and your history?

6           DEFENDANT GREEN: Yes, sir.

7           THE COURT: Are you satisfied with Mr. Karafa's  
8 representations of you in this matter?

9           DEFENDANT GREEN: I'm over-satisfied. I'm satisfied  
10 with Mr. Courtade with his help too. But if it weren't for  
11 him, I'd still be -- I wouldn't -- I wouldn't be able to stand  
12 up. He led me to Forgotten Man Ministries.

13          THE COURT: Mr. Green, it becomes my responsibility,  
14 obviously, to sentence you, as I've done for thousands of  
15 people.

16          DEFENDANT GREEN: Yes, sir.

17          THE COURT: I've looked this matter over, and a  
18 couple matters trouble me before I get to the sentence. One  
19 is remarks that were made by various people about you I find  
20 rather interesting. One of them says that you obeyed your  
21 grandmother's rules she set out for you, and it goes so far as  
22 to say your trouble really started when you lost your  
23 grandmother a few years ago. She was the only one who kept  
24 you in line. You didn't say that. Somebody else said that  
25 about you.



1           And not only do they all say that you had respect  
2   for people and that you helped other people and you were a  
3   genuinely sweet person, this sort of matter, but what troubles  
4   me somehow is that -- I'd like to think of a polite way to  
5   tell you man-to-man, but I can't think of a polite way to tell  
6   you. In many ways you're still a boy. You're still a boy.  
7   Now, I listened to you. You listen to me now.

8           DEFENDANT GREEN: Okay, yes, 'cause I agree.

9           THE COURT: You're still a boy. And men don't do  
10  things like this. Men don't do this kind of activities. Men  
11  stand up. They don't call themselves a victim. They get up  
12  in the morning and they go to work and they work hard and they  
13  pay taxes, and those taxes are what have helped pay the  
14  prisons to keep you and ultimately reimburse your attorney for  
15  the representations he's given you. So never mind what we're  
16  talking about here for just a moment. You have not carried  
17  your full weight of responsibility for society, and you know  
18  that.

19          DEFENDANT GREEN: Yes.

20          THE COURT: And it's not laid back on your  
21  grandmother. It's not laid back on your mother or a father  
22  that you never knew. A lot of us lost fathers when we were  
23  little. A lot of us had to buck up our chins and take off and  
24  we had to work. Some of us worked on assembly lines. Some of  
25  us worked painting houses. Some of us worked hard to get

1 where we are now, but we worked.

2 DEFENDANT GREEN: Yes, sir.

3 THE COURT: And that's what made men out of us. I  
4 don't see a work history from you that I could look back to  
5 and say, Well, you know, you know, I really think, Mr. Green,  
6 that you worked well with General Motors there for ten years.  
7 What happened? No.

8 The other thing that concerns me is you got easy  
9 money, never paid any taxes on it, and you got into selling  
10 drugs, which ultimately ruins people.

11 DEFENDANT GREEN: Yes.

12 THE COURT: Your sale of those drugs was a direct  
13 link to the ruination of other people. And when you ruined  
14 other people, if they were adults, what do you think those  
15 adults' children felt like as a result of your selling drugs?  
16 So there's a chain that takes place when you do this kind of  
17 activity.

18 What bothers me is you came in at 17 in Montgomery  
19 County in Dayton, Ohio, and you were sentenced for aggravating  
20 drug trafficking at 17 years of age and you got an 18- to  
21 60-month sentence in 1991. You were out rather quickly  
22 because, and maybe it's contemporaneous with this, you were  
23 sentenced in Detroit for possession with intent to deliver  
24 under 50 grams of cocaine in 1992 three to 20 years when you  
25 were 19.

1           Then we had a break here for a little while. You  
2           had a false information to a police officer that you paid a  
3           \$250 fine for here in Grand Rapids in 1992. But in '04 you  
4           got a state court conviction here in Grand Rapids for  
5           delivering less than 50 grams of cocaine and you got 15 months  
6           to 18 years in prison.

7           So you've had a series of not long sentences, but  
8           each one should have gotten your attention. And the question  
9           I have is why didn't it get your attention? If you touch a  
10          hot stove and you get burned, are you going to touch it  
11          again? No.

12          DEFENDANT GREEN: No, sir.

13          THE COURT: If you touch it three times, is there a  
14          good chance that the fourth time you're going to get burned?

15          DEFENDANT GREEN: Right.

16          THE COURT: Okay. Where does the analogy fall out  
17          with you and drug convictions and drugs?

18          DEFENDANT GREEN: That's a question for me?

19          THE COURT: That's question for you.

20          DEFENDANT GREEN: Yeah, 'cause you told me -- well,  
21          you are -- you are right, sir.

22          THE COURT: I hope I am, but I need your answer to  
23          that question.

24          DEFENDANT GREEN: My answer to that question is when  
25          I first started, when I first did it, I came back, I -- those

1 years, I was in prison for that long stint. I never really --  
2 I got out for a few months and I was still in prison. I did  
3 17 years in prison, and yes, it burned every time.

4           You said I didn't have a work history, Your Honor,  
5 but every time that I got out, I got a job. I worked until I  
6 got laid off due to whatever, due to things just like  
7 everybody else in society. I worked. I never stopped  
8 trying. I was working at the time when they said this  
9 conspiracy had started. I was working then. I got laid off.  
10 I still was trying to find a job, still trying to find jobs.  
11 I paid taxes too, Your Honor. I have, not many. I didn't  
12 have no long work history because I done 17 years. I've been  
13 out less than five years of my life since 17.

14           THE COURT: Well, do you realize what percentage of  
15 the population -- let's take percentage of men.

16           DEFENDANT GREEN: Right.

17           THE COURT: What percentage of men in America have  
18 had three drug convictions? Less than one percent, probably  
19 1/50th of one percent. Why do you happen to fall in that  
20 category?

21           DEFENDANT GREEN: Because I didn't grow up. I  
22 didn't -- Your Honor, all those times, I'm telling you, I'm  
23 giving you the honest-to-God truth, I had nothing to stand on,  
24 Your Honor. I didn't have nothing to stand on. I thought  
25 that I was smarter than everybody else and I wasn't. I didn't

1 have what I got now. I believe that if I get out now, if I  
2 ever get a chance to get out, I just pray that I don't die in  
3 prison, that I will stand on God. I will trust in God to  
4 guide me to do whatever I got to do.

5 When I was out, not only was I working in 2012, but  
6 I was volunteering for 61st District Court and Habitat for  
7 Humanity 40 hours a week without no applause, pats on the  
8 back. I did it 'cause I was hoping that I could get a job out  
9 of it after that and they ran out of funds, so they had to let  
10 us go.

11 THE COURT: So that's why you're here?

12 DEFENDANT GREEN: I'm here because I'm stupid, man.  
13 I keep making -- I keep doing the same thing expecting  
14 something different to happen. That's why I'm here.

15 THE COURT: Doesn't happen, does it?

16 DEFENDANT GREEN: I know. I know it don't.

17 THE COURT: And everyone told you it wouldn't  
18 happen, didn't they?

19 DEFENDANT GREEN: Yes, everybody.

20 THE COURT: Okay. Thank you.

21 With this history of drug convictions, the nature  
22 and circumstances of this offense, and as I said, the history  
23 and characteristics that come through in this matter, I find  
24 this is a serious offense, and I really find a lack of respect  
25 for law. Clear lack of respect for law. I don't know quite

1     how to address it in this case, but it's clearly here.

2             When we got up against a wall, we got up against  
3     some hard times, then we reverted to what would put cash in  
4     our pockets regardless of how it was done, except that no one  
5     was hurt directly. A lot of people were hurt indirectly. A  
6     lot of people were hurt with the cocaine that we have here and  
7     the heroin that we've had in the past history and the heroin  
8     we have here. Heroin is deadly.

9             And felon in possession, now, I know you're going to  
10    say you had to have a gun to protect yourself, but you knew  
11    you weren't supposed to have a gun. You knew you weren't to  
12    be within a hundred feet of any gun. You knew that.

13            DEFENDANT GREEN: Yes, sir.

14            THE COURT: And you got a gun. And they weren't  
15    squirrel guns either. They weren't pheasant-hunting guns  
16    either. They were guns that could be used for offense.

17            In order to afford an adequate deterrence and  
18    protect the public and provide some educational and  
19    correctional treatment, the sentence of this Court will be  
20    that of 300 months or 25 years in the custody of the Federal  
21    Bureau of Prisons. I want you to receive education and I want  
22    you to receive vocational opportunity. I think you should be  
23    able to learn to read, learn to make good decisions, educate  
24    yourself. Look for those around you who can help educate  
25    you. We all do. We all should be doing that. Look for

1 people that are wiser than we are. Look for people we can  
2 model ourselves after.

3 You say, Well, where can I in the prison? There are  
4 people there. There are people there. Look for good  
5 correction officers. There are good correction officers  
6 there. There are good chaplains there. You should be able to  
7 re-educate yourself, and I say re-educate yourself and emerge  
8 from this experience considerably more mature and wiser.  
9 You'll be a better husband, you'll be a better father, you'll  
10 be a better grandfather, and you'll be a better citizen of  
11 this country.

12 Yesterday I spoke to about 35 new citizens coming  
13 from all over the world, and what struck me particularly about  
14 the people coming from Sudan and some of these countries that  
15 have had terrible, terrible problems is they all but kissed  
16 the ground when they became citizens. They appreciated what  
17 they had here in America, and they over and over again told me  
18 that afterwards as they were taking pictures and I was shaking  
19 their hands. I think you have a lot to be thankful for.

20 DEFENDANT GREEN: I do.

21 THE COURT: You're going into this, but you have an  
22 awful lot to be thankful for. You have a family that stuck  
23 with you through thick and thin, and very few families will do  
24 what your family has done for you, and for that you better be  
25 very appreciative of them.

1           Those five years of supervised release following  
2 your incarceration, I want cognitive behavioral therapy to  
3 address some of the questions that present themselves in this  
4 matter with criminogenic needs being first and foremost.  
5 Potential mental health component, but I don't think we're  
6 going to need that. I want you to be nowhere near anyone  
7 using or possessing illegal drugs. I want you -- I don't want  
8 you near anybody who has a felony record unless your  
9 supervised release officer says so.

10           Now, where could you go that you could find nice  
11 people who would not have, presumably, drugs on them and would  
12 not have felony records? Where could you go?

13           DEFENDANT GREEN: Probably to a church.

14           THE COURT: Yeah, that's right. Good idea. Good  
15 idea.

16           I want you to maintain full-time employment. Now,  
17 you say it's hard. It's hard. Not if while you're in here  
18 you learn a trade. You can learn a skill or a trade. You  
19 seem to be smart. And therefore, there are electronics  
20 courses, there are even some skilled labor like bricklaying,  
21 those kind of trades, that you should be able to learn so that  
22 when you come out, you will be sought after for the skills  
23 that you have. Not necessarily for the strong back you have  
24 because the strong back you have is not going to last forever,  
25 but the skills you have in your brain will last. So I want



1     you to do that.

2                 And I want you to obviously report monthly to the  
3 supervised release officer, keeping the officer informed of  
4 your address and telephone number at all times. I want you as  
5 well to do something by way of community service. I'm going  
6 to require initially that five hours a week be spent in  
7 community service.

8                 Find someone that you can look to as a mentor.  
9 You'll find them. Ask people where you can find a mentor and  
10 find a mentor, hopefully someone a little older than you  
11 that's traveled down the road, law-abiding road, that you can  
12 come to and you can ask questions of, not necessarily your  
13 family.

14                A mandatory special assessment of \$400 will be  
15 required in this matter.

16                Do you have a motion as it pertains to Count 2 of  
17 the indictment in this matter?

18                MR. COURTADE: Yes, Your Honor. Pursuant to plea  
19 agreement we would ask that Count 2 be dismissed.

20                THE COURT: Motion granted. In lieu of a fine, any  
21 monies earned will be remitted for purposes of caring for  
22 small children.

23                Any legal objection to the sentence imposed not  
24 previously raised from the government?

25                MR. COURTADE: None, Your Honor.

1 THE COURT: From defense?

2 MR. KARAFa: Your Honor, thank you. We would only  
3 preserve the objection to the substantive reasonableness and  
4 the denial of the motion for variance.

5 THE COURT: Very well. Your motion for variance of  
6 course is denied.

7 You have a right of appeal of this sentence and this  
8 conviction, 14 days in which to file that appeal. Your  
9 counsel will assist you if you so desire. You'll be remanded  
10 to the federal marshal for execution of this matter, of this  
11 sentence. That's all.

12 Thank you, Mr. Karafa, for your care and your  
13 counsel in this matter.

14 MR. KARAFa: Thank you, Your Honor.

15 THE COURT: That's all.

16 (Proceedings concluded at 9:45 a.m.)

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CERTIFICATE OF REPORTER

I, Kevin W. Gaugier, Official Court Reporter for the United States District Court for the Western District of Michigan, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct transcript of the proceedings had in the within-entitled and numbered cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript was prepared by me.

/s/ Kevin W. Gaugier

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